

AO 257 (Rev. 6/78)

**DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT**
 BY: ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT  
☐ SUPERSEDING
**OFFENSE CHARGED**

1. 18 U.S.C. 1001(a)(3) Use of a False Document ☐ Petty  
 2. 18 U.S.C. 1028A(a)(1) Aggravated Identity Theft ☐ Minor  
 3. 18 U.S.C. 1036 Attempted Entry into Secure Area of an Airport ☐ Misdemeanor  
☒ Felony
- PENALTY:** 1. 5 years imprisonment, \$250,000 fine, 3 years supervised release  
 2. 2 years imprisonment (mandatory minimum & consecutive), \$250,000 fine, 1 year supervised release  
 3. 6 mos. imprisonment, \$5,000 fine, 1 year supervised release

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

**DEFENDANT - U.S.**

CLARENCE RUSTY TOMLIN

DISTRICT COURT NUMBER

**PROCEEDING**

Name of Complainant Agency, or Person (&amp; Title, if any)

FBI, Special Agent Peter Adduci

☒ person is awaiting trial in another Federal or State Court, give name of court

San Mateo County Superior Court

☐ this person/proceeding is transferred from another district per (circle one) FRCrp 20, 21, or 40. Show District

☐ this is a reprosecution of charges previously dismissed which were dismissed on motion of:

☐ U.S. ATTORNEY ☐ DEFENSE

SHOW DOCKET NO.

☐ this prosecution relates to a pending case involving this same defendant

MAGISTRATE CASE NO.

☐ prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

 Name and Office of Person  
 Furnishing Information on this form JOSEPH P. RUSSONIELLO

☒ U.S. Attorney ☐ Other U.S. Agency

Name of Assistant U.S. Attorney (if assigned) Owen Martikan

**IS NOT IN CUSTODY**

Has not been arrested, pending outcome this proceeding.

- 1) ☐ If not detained give date any prior summons was served on above charges
- 2) ☐ Is a Fugitive
- 3) ☐ Is on Bail or Release from (show District)

**IS IN CUSTODY**

- 4) ☐ On this charge
- 5) ☐ On another conviction } ☐ Federal ☐ State
- 6) ☒ Awaiting trial on other charges

 If answer to (6) is "Yes", show name of institution  
 San Mateo County Jail

 Has detainer been filed? ☐ Yes ☐ No

If "Yes" give date filed

 DATE OF ARREST Month/Day/Year  
 April 25, 2008

Or... if Arresting Agency &amp; Warrant were not

DATE TRANSFERRED TO U.S. CUSTODY Month/Day/Year

☐ This report amends AO 257 previously submitted
**ADDITIONAL INFORMATION OR COMMENTS****PROCESS:**
☐ SUMMONS ☐ NO PROCESS\* ☒ WARRANT

Bail Amount: No Bail

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address:

\* Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time: Before Judge:

Comments:

# United States District Court

FOR THE  
NORTHERN DISTRICT OF CALIFORNIA  
CRIMINAL DIVISION  
VENUE: SAN FRANCISCO

FILED  
08 MAY 29 AM 11:16  
CLARENCE RUSTY TOMLIN  
U.S. DISTRICT COURT  
SAN FRANCISCO, CALIFORNIA

PTM

UNITED STATES OF AMERICA,  
v.

CLARENCE RUSTY TOMLIN

DEFENDANT.

## INDICTMENT

Title 18, U.S.C. § 1001(a)(3) - Use of False Document  
Title 18, U.S.C. § 1028A(a)(1) - Aggravated Identity  
Theft  
Title 18, U.S.C. § 1036 - Attempted Entry of Secure  
Airport Area by False Pretenses

*INDICT*

A true bill.

*Joe Vardas*  
Foreman

Filed in open court this 29 day of may  
2008

*Betty Fong*  
Clerk

BETTY FONG

EDWARD M. CHEN  
UNITED STATES MAGISTRATE JUDGE

Bail, \$  
*No Bail Warrant*

JOSEPH P. RUSSONIELLO (CABN 44332)  
United States Attorney  
Attorney for Plaintiff

FILED  
08 MAY 29 AM 11:16  
CLARENCE RUSTY TOMLIN  
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,  
Plaintiff,

v.

CLARENCE RUSTY TOMLIN,  
Defendant.

Criminal No.:

CK 08

0033

VIOLATIONS: 18 U.S.C. § 1001(a)(3) – Use  
of False Document; 18 U.S.C. § 1028A(a)(1) –  
Aggravated Identity Theft; 18 U.S.C. § 1036 –  
Attempted Entry of Secure Airport Area by  
False Pretenses

SAN FRANCISCO VENUE

PJH

INDICTMENT

The Grand Jury charges:

COUNT ONE:

18 U.S.C. § 1001(a)(3) – Use of False Document

On or about April 25, 2008, in the Northern District of California, in a matter within the  
jurisdiction of the Transportation Security Administration, an agency of the United States, the  
defendant,

CLARENCE RUSTY TOMLIN,  
did knowingly and willfully make and use a material false writing and document by presenting to  
a Transportation Security Administration security screener a California Driver's License bearing

INDICTMENT

1 the name "D. J.," knowing the same to bear a materially false, fictitious and fraudulent statement  
2 and entry, in violation of Title 18, United States Code, Section 1001(a)(3).

3  
4 COUNT TWO: 18 U.S.C. § 1028A(a)1) – Aggravated Identity Theft

5 On or about April 25, 2008, in the Northern District of California, the defendant,  
6 CLARENCE RUSTY TOMLIN,  
7 did knowingly possess and use, without lawful authority, a means of identification of another  
8 person during and in relation to a felony violation of Title 18, United States Code, Section  
9 1001(a)(3), as alleged in Count One, in violation of Title 18, United States Code, Section  
10 1028A(a)(1).

11  
12 COUNT THREE: 18 U.S.C. § 1036 – Attempted Entry of Secure Airport Area by False  
13 Pretenses

14 On or about April 25, 2008, in the Northern District of California, the defendant,  
15 CLARENCE RUSTY TOMLIN,  
16 did by fraud and false pretenses, enter and attempt to enter a secure area of San Francisco  
17 International Airport, an airport, in violation of Title 18, United States Code, Section 1036.

18  
19 DATED:


5-29-08

A TRUE BILL.

20  
21   
FOREPERSON

22 JOSEPH P. RUSSONIELLO  
23 United States Attorney

24   
25 KYLE F. WALDINGER  
26 Deputy Chief, Major Crimes Section

27 (Approved as to form: )  
28 AUSA MARTIKAN